IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 2755 of 2007()

CRMP.1061/2007 of ADDL.D.C. & ADDL.MACT,ALAPPUZHA.

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PETITIONER/ACCUSED NO.1:

RAJU, S/O. SREEDHARAN,
PUSHPAMANGALATHU VADAKKETHIL,KOZHUVALLOOR MURI,
MULAKKUZHA VILLAGE, CHENGANNUR.

BY ADV. SRI.R.VINOD

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2755 OF 2007

Dated this the 29th day of May, 2007

O R D E R

Petitioner, who is the 1st accused in C.R. No.54/07 of Chengannur Excise Range for offences punishable under Secs.8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 26.1 litres of illicit arrack on 31.3.07 and who was arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is involving in other similar crimes, he fairly conceded that final report has not been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Chengannur and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. Petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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